

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

IN THE MATTER OF A LOSS OF RIGHT DUE TO)
FAILURE TO APPLY WATER TO BENEFICIAL USE) FINAL ORDER
UNDER THE TERMS OF AN ORDER APPROVING)
T-8610, DOUGLAS COUNTY)

Authority

Oregon Administrative Rule 690-380-6010(2) provides that any part of a transferred water use that is not applied to beneficial use under the terms of the transfer order for a change in use or place of use, or within any extension of time allowed for completion, is lost.

Applicant

CAROL BECKLEY
PO BOX 480
ELKTON, OR 97436

Current Landowner

CAROL A. BECKLEY REV TRUST
PO BOX 684
ELKTON, OR 97436

Findings of Fact

1. On September 28, 2000, CAROL BECKLEY filed an application to change the character of use under a portion of Certificate 22347. The Department assigned the application number T-8610.
2. On October 16, 2001, Transfer Application T-8610 was approved and the order is recorded in Special Order Volume 55, Page 1161. Certificate 22347 was cancelled, and the right is considered inchoate.
3. The final order set a date of OCTOBER 1, 2002, for the changes to be completed. The claim of beneficial use was due OCTOBER 1, 2003.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

4. On November 8, 2001, the Department contacted the applicant by certified mail, notifying them of an incomplete transfer, and that the right involved with the transfer could be lost if a Claim of Beneficial Use or an Application for Extension of Time on Transfer T-8610 is not received. The Department requested a response by December 13, 2021.
5. On November 22, 2021, the Department received the signed certified mailing card.
6. On December 29, 2021, Marjory Hamann, Executive Director of the Elkton Community Education Center (ECEC), contacted the Department indicating that an Extension of Time on a Transfer and a Claim of Beneficial Use would be submitted, as the applicant still owns the land and founded the ECEC. A new deadline to submit the required materials was also requested. The Department extended the deadline to June 13, 2022.
7. On July 7, 2022, the Department received correspondence from the ECEC, indicating the applicant does not intend to complete Transfer Application T-8610.
8. A description of the inchoate right that is lost is as follows:

Certificate: 22347 in the name of OLIVER HAINES (perfected under Permit S-20332)

Use: IRRIGATION of 0.7 ACRE

Priority Date: MAY 10, 1951

Rate: 0.009 CUBIC FOOT PER SECOND

Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre feet per acre for each acre irrigated during the irrigation season of each year.

Source: UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
22 S	7 W	WM	19	NW SW	Harts DLC #42

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
22 S	7 W	WM	19	NW SW	42	0.7

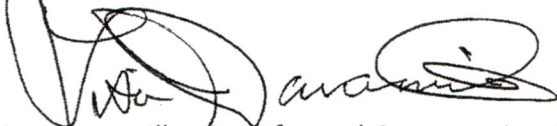
Conclusions of Law

The loss of right described above is consistent with the requirements of OAR 690-380-6010(2).

Now, therefore, it is ORDERED:

1. The inchoate right under Transfer Application T-8610 is lost and is of no further force or effect.

Dated in Salem, Oregon on SEP 26 2022



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing date: SEP 27 2022